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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 12917 (PTQ-0027)

Inventors: Van Eyk et al.

Serial No.: 09/115,589

Filing Date: July 15, 1998

Examiner: S. Gucker

Group Art Unit: 1647

Title: Methods of Diagnosing Muscle Damage

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Date of Deposit - October 23, 2002

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By 

Typed Name: Kathleen A. Tyrrell

U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

Dear Sir:

RESPONSE TO NOTICE TO COMPLY

In response to the "Notice to Comply" dated **September 23, 2002**, a response to which is due **October 23, 2002**, enclosed herewith is:

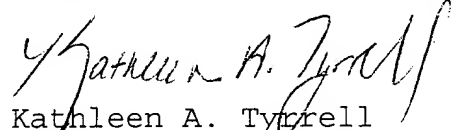
(XX) Amendment under 1.825;

(XX) Statement to Support Filing and Submission in Accordance with 37 CFR §§1.821 through 1.825;

- (XX) Substitute pages of the Sequence Listing;
- (XX) Substitute copy of the computer readable form of Sequence Listing;
- (XX) Copy of Notice of Missing Parts;
- () Petition for One (1) Month Extension of Time;
- () Other:_____.

The Commissioner is hereby authorized to charge any underpayment associated with this communication or credit any overpayment to Deposit Account No. 50-1619. This sheet is attached in duplicate.

Respectfully submitted,



Kathleen A. Tyrrell
Registration No. 38,350

Date: October 23, 2002

Licata & Tyrrell P.C.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

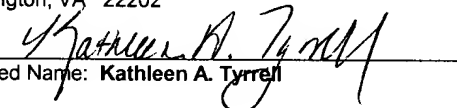
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Typed Name: Kathleen A. Tyrrell

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Box Sequence, P.O. Box 2327
Arlington, VA 22202

Dear Sir:

**STATEMENT TO SUPPORT FILING AND SUBMISSION IN ACCORDANCE
WITH 37 CFR §§ 1.821 THROUGH 1.825**

- () I hereby state, in accordance with the requirements of 37 C.F.R. §1.821(f), that the contents of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 CFR §1.821(c) and (e), respectively are the same.
- () I hereby state that the submission filed in accordance with 37 CFR §1.821(g) does not include new matter.

- () I hereby state that the submission filed in accordance with **37 CFR §1.821(h)** does not include new matter or go beyond the disclosure in the international application as filed.
- (XX) I hereby state that the amendments, made in accordance with **37 CFR §1.825(a)**, included in the substitute sheet(s) of the Sequence Listing were made to include the published sequence of MLC1 referenced in the specification. I hereby state that the substitute sheet(s) of the Sequence Listing does not include new matter.
- (XX) I hereby state that the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(b)**, is the same as the amended Sequence Listing submitted herewith.
- () I hereby state that the substitute copy of the computer readable form, submitted in accordance with **37 CFR §1.825(d)**, contains identical data to that originally filed and does not include any new matter.

Respectfully submitted,



Kathleen A. Tyrrell
Registration No. 38,350

Date: **October 23, 2002**

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